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OCA 87-5374
20 October 1987

NOTE FOR:

[Redacted]

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Evaluation and Policy Staff

FROM:

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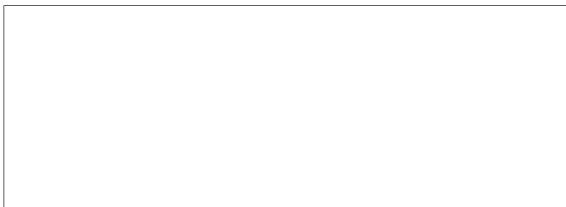
Legislation Division
Office of Congressional Affairs

SUBJECT: Legislation on POWs and MIAs in Southeast Asia

Chairman Stokes has requested the views of the Intelligence Community on H.R. 2260. Attached is a copy of the bill and the request for our views. The bill would require the Executive branch to make available to the public reports on POWs and MIAs in Southeast Asia. Exempted would be reports that would reveal sources and methods of intelligence.

I would appreciate your contacting EA division to determine their reaction to the bill. In particular, EA division should attempt to answer Stokes' inquiry on the magnitude and usefulness of declassifying all live sighting documents. The IC staff will coordinate on this bill for the rest of the Intelligence Community. Thanks for your assistance.

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Attachment
as stated

100TH CONGRESS
1ST SESSION

H. R. 2260

To direct the heads of Federal departments and agencies holding records concerning reported live sightings of American military personnel classified as prisoners of war or missing in action in Southeast Asia to make such records available to the public.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1987

Mr. SMITH of New Hampshire (for himself, Mr. DAVIS of Illinois, Mr. DOERNAN of California, Mr. ROWLAND of Connecticut, Mr. DREIER of California, Mr. HUNTER, Mr. McCLOSKEY, Mr. DENNY SMITH, Mr. SUNDQUIST, Mr. AP-
PLEGATE, and Mr. LIPINSKI) introduced the following bill, which was referred jointly to the Committees on Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence

A BILL

To direct the heads of Federal departments and agencies holding records concerning reported live sightings of American military personnel classified as prisoners of war or missing in action in Southeast Asia to make such records available to the public.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. FINDINGS.

4 The Congress makes the following findings:

1 (1) Various officials of the Department of Defense
2 have repeatedly stated that there is no substantive in-
3 formation that members of the Armed Forces of the
4 United States are being held prisoner in Southeast
5 Asia since the return (referred to as "Operation Home-
6 coming") from Vietnam of American prisoners of war
7 in 1973.

8 (2) The Defense Intelligence Agency has records
9 of more than 800 reports of sightings of United States
10 personnel alive in Southeast Asia since 1973.

11 (3) Until 1978, information concerning such sight-
12 ings of live personnel was available to the American
13 public, but such information is now classified as requir-
14 ing protection against unauthorized disclosure.

15 (4) Certain classified information in possession of
16 the Defense Intelligence Agency concerning reports of
17 sightings of United States personnel in Southeast Asia
18 since 1973 has been turned over to the Government of
19 Vietnam.

20 (5) 2,421 members of the Armed Forces are unac-
21 counted for in Southeast Asia.

22 (6) The families of those servicemembers and the
23 American people deserve to see, and have the inherent
24 right to see, the reports described in paragraph (2).

1 **SEC. 2. DISCLOSURE OF INFORMATION CONCERNING AMERI-**
2 **CAN PERSONNEL CLASSIFIED AS PRISONERS**
3 **OF WAR OR MISSING IN ACTION IN SOUTHEAST**
4 **ASIA.**

5 (a) **INFORMATION TO BE DISCLOSED.**—Except as pro-
6 vided in subsection (b), the head of each department or
7 agency holding records concerning sightings of United States
8 military personnel in Southeast Asia reported since 1973
9 shall make available to the public all such records held by
10 that department or agency.

11 (b) **EXCEPTIONS.**—Subsection (a) does not apply with
12 respect to information that would reveal—

13 (1) sources and methods of intelligence collection;
14 or

15 (2) the names of such personnel or their families.

16 (c) **DEADLINE.**—The head of each department or
17 agency covered by subsection (a) shall make information
18 available under this section not later than 30 days after the
19 date of the enactment of this Act.

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